FRANK SHOULD KNOW FATE

BEFORE THE WEEK PASSES

IS OPINION OF ATTORNEYS

While Defense Has About Forty Character Witnesses, It's

Not Believed That Their Testimony Will Take More Than

One Day, and Frank Himself Will Probably Tell His Self

to the Jury Some Time Tuesday.

REBUTTAL EVIDENCE WILL TAKE TWO DAYS

AND THE ARGUMENTS OF ATTORNEYS TWO MORE

This Will Put the Case In the Hands of the Jury at the End of the Week – All Interest is Now Centered in the Witnesses That the Solicitor Will Put on the Stand In an Effort to Break Down Fine Character Showing Made by Frank.

The present week will see the end of the trial of Leo M. Frank charged with the murder of Mary Phagan, all attorneys connected with the case believe.

Counsel expect to conclude the young factory .....defense certainly before the end of Tuesday morning's ...and probably during the day Monday.

Solicitor General Hugh M. Dorsey says that he expects to be ...longer than two days is introducing testimony is rebuttal. With two days for the arguments this will mean that the fate of Frank will be in the hands of twelve jurors by Saturday. The length of the Frank trial, which has passed through its third week, long ago broke all records for criminal cases in Georgia. While many, civil cases ...run over a much longer period of time, few if any equal the Frank trial, which has passed through its third week, long ago broke all records for criminal cases in Georgia. While many, civil cases run over a much longer period of time, few if any equal the Frank trial in the matter of straight testimony delivered on the stand. The official court reporter, Judge H. L. Parry, states that his record showed 375,000 words. Judge Parry is working court reporters in relay and typing the evidence as rapidly as possible. The record now shows over 3,000 typewritten legalese pages.

Interest in the trial centers largely in the rebuttal testimony, which will be offered by the state. Approximately fifty witnesses have been summoned by the solicitor general to give rebuttal testimony at the trial, and according to rumors some of the testimony will be sensational. The solicitor has indicated by

questions to witnesses that he has under subpoena a girl, who will testify that two weeks prior to the tragedy Frank made advances to Mary Phagan, and that she was forced to beg him, to leave her alone. Much mystery surrounds the probable testimony of Dewey Hewell, who was brought here from the Home of the Good Shepard to Cincinnati to be a witness.

The greater number of the rebuttal witnesses have been called as character witnesses and they can only say that they consider Frank's general character good or bad, unique, then are asked about [illegible]...the defense.

The statement of Leo M. Frank....as .....superintendent....to the .... of his life.

NO WRITTEN STATEMENT.

While he will have a number of notes to which he will ..., it is said that Frank will probably not have a written statement, but will tell his story largely from memory.

Little ...said to be left in the defense's case against Frank's statement. According to well established reports W. H. Mincey, who claims that Conley made a confession to him, will not be put upon the stand.

While the defense will probably place about forty more witnesses on the stand practically all of them, it is said, will be factory employees who will testify to the good character of the defendant, and go to the ...character of his chief accuser, the negro Conley.

'The gutting of Frank's character in issue, which has greatly increased the length of the trial, is the result of Frank's own request, according to a well authenticated rumor.'

Frank knew that his character could only be put in issue by his own lawyers, and they, it is said, put the matter up to him, and he requested that they let down the bars, declaring that the state comic prove nothing against him.

DEFENSE NOT DISTURBED.

Despite the statement of Solicitor General Dorsey that he had several “high-class ladies” who attack Frank’s character, it is said that attorneys for the defendant are satisfied that no credible testimony will be offered against Frank’s character.

Frank has stood the three weeks of the trial well, said is ready and curious, it is said, for a chance to sell his own story. Atlanteans witnesses have testified to the good character of Frank.

The state has sought to prove that when Frank went about to get lunch on the day of the tragedy he left immediately without eating, but the defense produces witnesses who swear that Frank remained in his home at least forty minutes at that time.

The state has sought to prove that the accused was very nervous on the day, following the tragedy, and that has ….admitted by the defense: …like defense has put up witnesses who swear that Frank was not nervous on the night of the tragedy and did not become so until he was informed by the detectives that a girl had been murdered in his place of business.

Attack Is General

In every detail, as matters have minute, the defense had attacked the state’s …against Leo M. Frank. No particular …been considered too small to ….the efforts of Attorneys Arnold and Rosser to ….a responsible doubt against it if they could’ and no particular had been too small for Solicitor Dorsey to permit an attack upon it to go unchallenged and unresisted. From one angle then another, the defense aligned its bombardment, and at one angle then another, state’s attorneys have striven to fend off any damage in their case, impugning a witness when they could, striving to ridicule him or her, endeavoring to show interest, excessive …for Frank, or other controlling motive have been on

guard at every argument against the determined onslaughts of the attorneys for the accused.

Week's Developments

Whether the defenses continued its attack on the testimony given by Dr. H. F. Harris that Mary Phagan died within a half or three quarters of an hour after calling for midday lunch and that there were evidences of violence immediately preceding death, Dr. Leroy Childs began the attack on the evidence of the secretary of the state board of health on Saturday week, and on Monday Drs. … Rachman Willis Westmoreland, T. H. Hancock and J. C. Olmstead testified and were followed and substantiated on Wednesday by Dr. W. S. Kendrick.

In nearly every instance where a physician testified for the defense the testimony, or parts of it, as given by Dr. Harris was refuted. When the evidence give by the physicians for the defense is boiled down to an essence, it is up to the effect that in their opinion the statements by Dr. Harris that the girl died within the time limit set by him is but a mere guess, and that his testimony that violence preceded death is a second guess.

The jury board medical testimony that it could be impossible for any physician to examine cabbage from the stomach of any patient and state the correct length of time the food had remained in the stomach. To substantiate this, several jars of partially digested cabbage taken from the stomach of several patients were exhibited to the jury with the statements of a physician that no one could tell exactly how long any of the exhibits had remained in the stomach.

Was Violence Committed?

Some of the evidence given by these physicians violence given by these physicians termed Dr. Harris' statements that violence bed boss, committed on the girls shortly before as a

mere guess. It was testified that the distended condition of the blood vessels might have resulted from numerous causes.

It will be realized that Dr. Harris testified that he examined death, and that Dr. J. W. Hurt, the coroner's physician, testified he had made an examination prior to that by Dr. Harris. The jury was told that the first examination have caused the conditions noted under microscope by the state board of health's secretary. As to the distended condition of the blood vessels, it was testified that the injection of the examining fluid and several other causes might have produced the same conditions.

That Frank's work on the financial sheet, which it has been testified required expert work running into …. decimals, could not have been done by any one committing such a crime as is charged to the factory superintendent immediately following the commitment, and ….the… … … is to quote by the …testimony of expert ……who were put on the stand. Joel Hunter, the last witness to inquiry Monday, gave his opinion that the work does on the ….made out on April 26 was the work of Leo M. Frank, and is substance was correct.

Dalton's Story Eliminated

Twenty-two witnesses took the stand on Tuesday and six of them gave testimony impeaching C. B. Dalton, one of the witnesses put up by the State to corroborate Jim Conley in his testimony that he frequently acted as lookout for Frank on Saturdays and holidays when women visited the superintendent at the factory. Dalton was pictured by the witnesses as anything but a truthful witness. His past was exposed in the news and when he himself was recalled to the stand admitted portions of the testimony derogatory to his character.

These witnesses against Dalton were brought to Atlanta by the defense from places where Dalton had formerly lived. They told of his indictment by a grandy jury of a ….for a certain crime and stated that they would not believe him under oath. Dalton, it

will be remembered, was expected to prove a strong witness for the state in its corroboration of the negro's story. He admitted visiting the factory after work hours with certain women employees of the place and stated in the jury that Frank frequently had women visitors at the time he made his visits than impeachment by witnesses from his further homes, eliminates, to a certain extent, his testimony as material.

The defense cursed again on Tuesday when Miss Magnolia Kennedy was on the stand. He testimony refuted that given by Helen Ferguson that she asked for Mary Phagan's pay on the Friday before the murder and it was refused. Miss Kennedy works in the pencil factory and declares that she knew both Mary Phagan and Helen Ferguson. She told the jury that she followed the Ferguson girl to the pay window and that nothing was said about Mary Phagan's pay. She also declared that she went out of the factory immediately behind Helen Ferguson and both walked on down the street in the same direction.

Cook Denies Affidavit

Minola McKnight, the negro cook in the Selig home where Mr. and Mrs. Frank live was also on the stand Tuesday and denied the truthfulness of her affidavit made to the police concerning the notions of the aroused immediately following the tragedy. The negroes declared that she had been forced to sign the paper and that most of the allegations were false.

Mr. and Mrs. Emil Selig, the father and mother-in-law of the secured, took the stand in defense of the factory superintendent on Tuesday and corroborated the statement made by Frank to the coroner concerning his moves on the day of the tragedy before and after the hour in which the girl met her death. They denied any knowledge of certain matters mentioned in the Minola McKnight affidavit, reflecting on the behavior of the accused on the Saturday of the tragedy and Sunday following.

Charles W. Bernhardt and Henry Wod were called to the stand to tell the results of their examinations of the Selig home and explain the blue prints of the home to the jury. Albert McKnight, husband of the Selig cook, had stated that he was sitting in the kitchen and saw Frank enter the dining room on the afternoon of the tragedy, go to the sideboard and leave without eating. According to export testimony it would be impossible for any one sitting in the kitchen at the point where the McKnight negro claims he was sitting to see the parts of the dining room as testified by him.

Character Evidence

On Wednesday the defense put the character of the accused to issue and no sooner had the character evidence started well when the real evidence started well when the real sensation of the week occurred in the court room. It was Frank's mother, Mrs. Rae Frank, of Brooklyn, N. Y. who startled judge, jury, counsel, and spectators by shouting her denunciation of Solicitor General Hugh M. Dorsey when he asked a question of a character witness reflecting strongly on the character of the defendant.

John Ashley Jones, an insurance man, had been put up by the defense and had just told the court that after investigation, his company had found the character of the accused man to be good. When the solicitor began his cross-examination he asked several questions concerning the investigation made by the insurance company and then began a series of questions, all of which the witnesses answered to the negative, but …. … … …the jury in … forward and caused the mother of the accused man to give the so… indignation by … of denial, of a certain question …the witness on the stand could answer in the negative.

The solicitor asked the witness if he never heard of ..Forsyth….with little …..expand the history. To this Mrs. Rae Frank shouted: 'No, and you haven't either!" Following new outrage, she left the room.

The solicitor used the …of several with whom he intimated the factory superintendent had been familiar. He is expected to sell them in rebuttal to the … witnesses who have testified for the state.

Can Dorsey Supply Link?

What evidence the solicitor has to use in rebuttal is indicated only by his questions to the witness Jones and by the sudden appearance in Atlanta of the former inmate of the Home of the Good Shepherd, in Cincinnati, in company with the police matron. The only evidence derogatory to the accused character was given by the negro Jim Conley who charged perversion to the factory superintendent. While the state was having its innings no evidence was given to corroborate this charge because the character of the defendant had not then been put in … by the defense. Now that the defense put up witnesses to prove the accused's good character, the state can put up testimony to prove the contrary.

It is understood that the solicitor will call the girl, who has just returned from Cincinnati, and other witnesses, who will be ready to blast the character of the defendant if they are asked the questions by the defendant's own counsel.

Judge Roan permitted the solicitor to ask defense witnesses questions reflecting on Frank's character Wednesday, and on Thursday refused a request of the accused's counsel to have the questions stricken from the secured. The trial judge held that the prosecutor had a right to question character witnesses as to whether they had heard certain things derogatory to the defendant's character.

Frank's Story Corroborated

On Thursday the defense put up witnesses which by their testimony, accounted for the presence of Frank at almost every hour during the day of the tragedy. The story of his movements

as he told it to the corner immediately after the murder was fully corroborated. He was trailed from his home in the morning to the factory, from his office over to Montag's offices and back to the factory; from his office to where he took a car, and from the time he stepped from the car in front of his home until he left again to less than an hour. He was also seen on Whitehall street after getting off the car on his return to the office for his afternoon's work.

The members of the card club whose party was being given at the Selig home on the night of the tragedy took the stand and accounted for his pressure that night. The state has proven, and to a certain extent it is admitted by the defense, that Frank was nervous on Sunday after being informed of the murder. The state contends that this was the nervousness of a guilty man, while the defense contends that under the same circumstances most anyone would have been very much agitated.

Those who attended the card party on the night of April 26 declare that Frank was his natural self; that his actions indicated anything but nervousness, and that he sat in the hall and read for at least two hours during that ..to the … …. … this ….the …. .. as show that Frank … as knowledge of the …. … ….. by the detectives and …. Exactly …. address when after the…. … a …… … … alarm to the … of which he was….

Court Records Brokers

When Thursday …. audition of the trial exposed all court records for …. Had been broken. The testimony …. Throw's Wednesday might …. To …. …. Enough matter to all the …..of newspaper print.

One feature of the … …developments which stands out significantly in the loyalty of the defendant's classmates from …. Several of the young men who attended college with him …. …. their homes is the … to testify to his good character. With them came two performers at the university.

Friday was taken up with testimony by Atlanteans hearing on the good character of Frank and by evidence given by factory employee against the character of Jim ...., the .... who ....Frank of the crime and who admits having disposed of the body after the girl's death.

Members of Conley's own race declared that they would not believe the negro on oath, that he could not be trusted and that from what they knew little dependence could be put in what he said. White women who knew both the negro and Frank told the jury that the negro was unreliable and that from what they knew Frank's character was good.

Forty-one witnesses, many of them prominent Atlantians, bore testimony to Frank's good character on Friday and were followed on the stand by the accused's own mother. Mrs. Rae Frank, of Brooklyn, occupied the chair Friday afternoon and resumed it Saturday. Nothing of great interest was developed and resumed it Saturday. Nothing of great interest was developed by her testimony except that portion referring in the letter which her son wrote up the day of the tragedy and mailed to his uncle in New York. This letter was introduced as evidence. Its contents referred to Memorial day and to grand opera, in Atlanta.

Saturday's Testimony

Fifteen girls who work or have worked in the pencil factory were on the witness stand Saturday and of the number, only one cast a slut on the character of the factory superintendent. Miss Irene Jackson, the daughter of Policeman A. W. Jackson, who has quit the employ of the factory since the murder, while under cross-examination declared that Frank had looked into the dressing room of the factory while some of the girls were in only 'half attire'.

Solicitor Dorsey made an attack on the Pinkerton detectives Saturday while W. D. McWorth, one of the agency's men was testifying concerning a bloody bludgeon found in the factory. The

solicitor charged that the Pinkertons had not worked in harmony with the city police and he’d withheld evidence from them. Harlee Branch, a Journal reporter, was the last witness on the stand and court adjourned while he was under the solicitor’s examination. He told of Jim Conley’s re-enactment of the tragedy in the presence of detectives and newspaper men.